

#229

**Chapter Ind-UC 106****COVERAGE OF MUSICIANS AND ENTERTAINERS**

Ind-UC 106.01	Status of band and orchestra "leaders"	Ind-UC 106.03	Status of musicians and entertainers who contract directly with the "purchaser"
Ind-UC 106.02	Status of musicians and entertainers under a "leader"		

**Ind-UC 106.01 Status of band and orchestra "leaders".** Where a band or orchestra has a "leader" who contracts with "purchasers" (i.e. the owners or operators of places of performance) to furnish music or other entertainment or both, such leader is an employee of each purchaser with whom he so contracts unless substantially all of the following conditions exist:

- (1) The band or orchestra is known to the public by the name of the leader; and
- (2) The leader has the exclusive right to accept or reject proposed contracts and to select, hire and control the individual musicians and entertainers associated with his band or orchestra; and
- (3) The leader is in a position to profit or lose from the proceeds of the contract, after paying whatever wages and expenses may be incurred by him thereunder; and
- (4) The leader is acting as the employer of the performers in his band or orchestra for the purposes of federal payroll taxes, such as federal insurance contributions act (Chapter 21, Internal Revenue Code, relating to "social security" taxes for federal old age and survivors insurance).

**Ind-UC 106.02 Status of musicians and entertainers under a "leader".** Where individual musicians and entertainers do not contract directly with a purchaser of music and entertainment but perform in pursuance of a contract entered into by a leader, the status of their leader, under section Ind-UC 106.01, will determine who is their employer, as follows:

- (1) If the leader is himself an employee of the purchaser, then all musicians and entertainers associated with him in the performance of the contract with the purchaser are also employees of the purchaser.
- (2) If the leader is not an employee of the purchaser, then the leader is the employer of the musicians and entertainers associated with his band or orchestra.

**Ind-UC 106.03 Status of musicians and entertainers who contract directly with the "purchaser".** Where individual musicians or entertainers contract for their performances directly with the purchaser, their coverage-status will be determined by the terms of their contracts and the relationship which exists in fact, in accordance with section 108.02 (3) (b) 1<sup>st</sup> and 2<sup>nd</sup>, Wis. Stats.